

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:19-cv-13558

HONORABLE STEPHEN J. MURPHY, III

v.

FUNDS IN FIDELITY INVESTMENT
ACCOUNT NO. 637-409820 HELD IN
THE NAME OF RAJENDRA BOTHRA
(APPROXIMATELY \$12,195,220.59),
et al.,

Defendants.

_____ /

STIPULATED CONSENT
JUDGMENT AND FINAL FORFEITURE ORDER

The parties, by and through undersigned counsel, **STIPULATE** and **AGREE** as follows:

1. On December 3, 2019, the United States of America filed a verified forfeiture complaint, pursuant to 18 U.S.C §§ 981(a)(1)(A), (C) and 21 U.S.C. § 881(a). (ECF No. 1)

2. The United States completed service of the complaint on December 11, 2019, ECF No. 50, and completed online publication of Notice of Forfeiture Action on an official government internet site, (www.forfeiture.gov) on March 7, 2020. (ECF No. 104).

3. On December 23, 2019, Claimant Rajendra Bothra, in his individual capacity or as owner of The Pain Center USA, Interventional Pain Center, or as

President and Shareholder of Kaiser Real Estate, filed a claim of interest to the following Defendants *in rem* (ECF No. 55):

- Funds in Fidelity Investment Account No. 637-409820 Held in the Name of Rajendra Bothra (Approximately \$12,195,220.59), valued at \$21,731,556.98 as of 2/1/23;
- \$129,123.96 U.S. Currency in Comerica Bank Account No. 0013166764 in the names of Rajendra and Pramila Bothra;
- \$1,100,460.30 U.S. Currency in Comerica Bank Account No. 1852393634 in the name of The Pain Center USA, PLLC;
- \$102,686.96 U.S. Currency in Comerica Bank Account No. 6822878135 in the names of Rajendra and Pramila Bothra;
- \$4,501,200.15 U.S. Currency in Comerica Bank Account No. 9416234848 in the name of Interventional Pain Center, PLLC;
- \$337,080.87 U.S. Currency in Comerica Bank Account No. 1852973666 in the name of Kaiser Real Estate, LLC;
- Funds in Fidelity Investment Account No. 627-006648 in the name of Rajendra Bothra (approximately \$4,633,351.67), valued at \$7,657,466.75 as of 2/1/23;
- Funds in Fidelity Investment Account No. 645-125105 in the name of Rajendra Bothra (approximately \$20.40), valued at \$21.23 as of 2/1/23;
- Funds in Fidelity Investment Account No. 675-597678 in the name of Sonia Bothra (approximately \$97,417.25), valued at \$181,581.44 as of

2/1/23;

- Funds in Fidelity Investment Account No. 637-299600 in the name of The Pain Center USA, PLLC (approximately \$553,663.69), valued at \$948,227.64 as of 2/1/23;
- \$1,095,860.05 U.S. Currency in Comerica Bank Account No. 1851508240 in the name of The Pain Center USA, PLLC;
- \$579,307.63 U.S. Currency in Comerica Bank Account No. 1853038691 in the name of Interventional Pain Center, PLLC;
- All funds due and owing to Dr. Bothra, The Pain Center USA, PLLC, and/or Interventional Pain Center, and received by the law firm of Rodnick Unger, P.C. obtained in settlement of past, pending, or future civil lawsuits (Approximately \$1,411,641.56 as of 6/15/23);
- 100 W. 5th Street #810, Royal Oak, MI 48067;
- 111 N. Main Street, #205, Royal Oak, MI 48067;
- 111 N. Main Street, #302, Royal Oak, MI 48067;
- 315 W. 6th Street, Royal Oak, MI 48067;
- 321 W. 6th Street, Royal Oak, MI 48067;
- 350 N. Main Street, #708, Royal Oak, MI 48067;
- 615-617 S. Washington, Royal Oak, MI 48067;
- 619 S. Washington, Royal Oak, MI 48067;
- 621 S. Washington, Royal Oak, MI 48067;
- 623 S. Washington, Royal Oak, MI 48067;

- 27715 Grant Street, St. Clair Shores, MI 48081;
- 22480 Kelly Road, Eastpointe, MI 48021;
- 27379 Van Dyke, Warren, MI 48093;
- 28000 Van Dyke, Warren, MI 48093;
- 27423 Van Dyke, Warren, MI 48093;
- 27253 Van Dyke, Warren, MI 48093;
- 27333 Van Dyke, Warren, MI 48093;
- 700-704 S. Washington, Royal Oak, MI 48067;
- 27402 Seyburn, Warren, MI 48092;
- 27414 Seyburn, Warren, MI 48092;
- 27426 Seyburn, Warren, MI 48092;
- 27438 Seyburn, Warren, MI 48092;
- 27330 Seyburn Ave., Warren, MI 48092;
- 27342 Seyburn Ave, Warren, MI 48092;
- Funds from Cashier's Check issued by Comerica Bank, dated April 12, 2019, paid to the order of Interventional Pain Center PLLC in the amount of Two Dollars and Sixty-Seven Cents in U.S. Currency (\$2.67);
- Funds from Cashier's Check issued by Comerica Bank, dated April 12, 2019, paid to the order of The Pain Center USA, PLLC in the amount of \$68,381.64.

4. On December 24, 2019, Claimant Pramilla Bothra filed a claim of interest to the Defendants *in rem* (ECF No. 68):

- \$129,123.96 U.S. Currency in Comerica Bank Account No. 0013166764 in the names of Rajendra and Pramila Bothra;
- \$102,686.96 U.S. Currency in Comerica Bank Account No. 6822878135 in the names of Rajendra and Pramila Bothra.

5. On December 24, 2019, Sonia Bothra filed a claim of interest to Defendant *in rem* (ECF No. 69):

- Funds in Fidelity Investment Account No. 675-597678 in the name of Sonia Bothra (approximately \$97,417.25), valued at \$181,581.44 as of 2/1/23.

6. On January 6, 2020 and January 8, 2020, Ivanovic Construction Inc. filed a claim of interest to the Defendants *in rem* (ECF Nos. 74, 81, 82):

- 27253 Van Dyke, Warren, MI 48093;
- 27333 Van Dyke, Warren, MI 48093.

7. On January 8, 2020, the Court entered a stipulation between the United States and Claimant Rajendra Bothra, in his individual capacity as well as on behalf of The Pain Center USA, PLLC, Interventional Pain Center, PLLC, and Kaiser Real Estate, to stay the civil forfeiture proceedings until the conclusion of a related criminal proceeding. (ECF No. 80).

8. On January 9, 2020, Claimant Lakepointe CSG, Inc. filed a claim of interest to the Defendants *in rem* (ECF No. 87):

- 615-617 S. Washington, Royal Oak, MI 48067.

9. On January 9, 2020, the Court entered a stipulated order between the United States, Claimant Sonia Bothra, and Claimant Pramilla Bothra to stay the civil forfeiture proceedings until the conclusion of the related criminal proceeding. (ECF Nos. 85, 86).

10. On January 13, 2020, Claimant NLS Ventures RO, LLC filed a claim of interest to the following Defendant *in rem* (ECF No. 91):

- 615-617 S. Washington, Royal Oak, MI 48067.

11. On January 16, 2020, the Court entered a stipulation between the United States and Claimant Lakepointe CSG, Inc. to stay the civil forfeiture proceedings until the conclusion of the related criminal proceeding. (ECF No. 97).

12. On January 16, 2020, the Court entered a stipulation between the United States and Claimant NLS Ventures RO, LLC to stay the civil forfeiture proceedings until the conclusion of the related criminal proceeding. (ECF No. 93).

13. On February 18, 2020, the Court entered a stipulation between the United States and Claimant Ivanovic Construction Inc. to stay the civil forfeiture proceedings until the conclusion of the related criminal proceeding. (ECF No. 101).

14. No other verified claims have been filed in this judicial action with regard to the Defendants *in rem*, and the time for filing such pleadings has expired.

15. On June 29, 2022, Claimant Rajendra Bothra was acquitted of health care fraud and drug trafficking conspiracy charges on June 29, 2022, in the related criminal proceeding. (*U.S. v. Bothra, et al.*, 18-cr-20800 (EDMI)). (ECF No. 447).

16. On August 18, 2022, the Court entered an order lifting the stay of the civil forfeiture proceeding and referred the case to Magistrate Judge Anthony Patti for mediation. (ECF No. 115).

17. On December 9, 2022, the claim of Lakepointe CSG, Inc. was dismissed without prejudice. (ECF No. 139)

18. On December 12, 2022, the claim of Ivanovic Construction, Inc. was dismissed without prejudice. (ECF No. 141).

19. On June 21, 2023, the claim of NLS Ventures RO, LLC was dismissed without prejudice. (ECF No. 151).

20. Plaintiff, the United States of America, and Claimants Rajendra Bothra, Pramilla Bothra, and Sonia Bothra, by and through their attorneys, LeRoy M. Wulfmeier, III, and Ben Gonek, wish to resolve this matter without further litigation and expense.

Now therefore, the parties stipulate as follows:

A. This action is a civil *in rem* forfeiture action brought against the Defendants *in rem* pursuant to 18 U.S.C §§ 981(a)(1)(A), (C) and 21 U.S.C. § 881(a)(6).

B. This Court has jurisdiction and venue over this action pursuant to 28 U.S.C. §§ 1345, 1355, 1391, and 1395.

C. The allegations of the Complaint for Forfeiture are well taken, the United States and its agents had reasonable cause for the seizure of the Defendants *in rem*, and the position of the United States in this action is substantially justified as provided in 28 U.S.C. § 2412(d)(1)(B).

D. Claimants shall not claim or seek attorney fees from the United States under the Civil Asset Forfeiture Reform Act, the Equal Access to Justice Act, or any other act, statute or regulation.

E Acceptance of this settlement by Claimants does not constitute an admission of liability or an acknowledgement of any wrongdoing whatsoever on the part of the Claimants.

F. Claimants hereby withdraw any and all claims they have made to the Defendants *in rem*, including any administrative claims of interest and petitions for remission or mitigation filed with any agency of the United States.

G. Defendant *in rem* Funds from Cashier's Check issued by Comerica Bank, dated April 12, 2019, paid to the order of Interventional Pain Center PLLC in the amount of Two Dollars and Sixty-Seven Cents in U.S. Currency (\$2.67), **IS DISMISSED** from the complaint because this defendant *in rem* was previously combined with defendant *in rem* \$4,501,200.15 U.S. Currency in Comerica Bank Account No. 9416234848 in the name of Interventional Pain Center, PLLC.

H. With the addition of \$2.67, Defendant *in rem* \$4,501,200.15 U.S. Currency in Comerica Bank Account No. 9416234848 in the name of Interventional Pain Center, PLLC is **HEREBY BY MODIFIED** to be described as:

- Defendant *in rem* \$4,501,202.82 in funds from Comerica Bank Account No. 9416234848 in the name of Interventional Pain Center, PLLC.

I. The amount of Two Million Dollars (\$2,000,000), plus any interest accrued on this portion of the funds since seizure, **SHALL BE FORFEITED** to the

United States of America pursuant to 18 U.S.C. § 981(a)(1)(C), from the following defendants *in rem*:

- \$1,100,460.30 from Defendant *in rem* described as funds from Comerica Bank Account No. 1852393634 in the name of The Pain Center USA, PLLC, and
- \$899,539.70 from Defendant *in rem* described as \$4,501,202.82 in funds from Comerica Bank Account No. 9416234848 in the name of Interventional Pain Center, PLLC (leaving a balance on this asset in the amount of \$3,601,663.12).

Further, any right, title or interest of Claimants in the Two Million Dollar (\$2,000,000) portion of the described Defendants *in rem*, plus any interest accrued on these funds since the time of seizure, is hereby and forever **EXTINGUISHED**, and clear title to said assets shall hereby be **VESTED** in the United States, and the Federal Bureau of Investigation, the United States Marshals Service, or their delegates, are **AUTHORIZED** to dispose of the Forfeited Currency according to law.

a. The Centers for Medicare and Medicaid Services (“CMS”) has filed a Petition for Remission with the Money Laundering and Asset Recovery Section (“MLARS”) for remission of any funds forfeited to the United States as a result of the underlying allegations in this case. To the extent that MLARS in its discretion grants the Petition and allocates any or all of the Two Million Dollar (\$2,000,000) portion of the described Defendants *in rem* forfeited here to CMS, the allocated funds will be credited toward any agreement resolving

the False Claims Act litigation pending in the Eastern District of Michigan, Case Nos. 17-cv-11644 and 18-cv-12728 (the “False Claims Act Cases”).

J. The amount of Four Million Five Hundred Thousand Dollars (\$4,500,000) **SHALL BE MADE PAYABLE** toward resolving the False Claims Act Cases (Case Nos. 17-cv-11644 and 18-cv-12728). The parties agree that the \$4,500,000 payment to be made toward resolving the False Claims Act Cases shall be made payable from the following Defendants *in rem*:

- \$3,601,663.12 from \$4,501,202.82 in funds from Comerica Bank Account No. 9416234848 in the name of Interventional Pain Center, PLLC;
- \$337,080.87 in funds from Comerica Bank Account No. 1852973666 in the name of Kaiser Real Estate, LLC;
- \$561,256.01 from \$579,307.63 in funds from Comerica Bank Account No. 1853038691 in the name of Interventional Pain Center, PLLC (leaving a balance from this account of \$18,051.62).

The False Claims Act Cases payment of \$4,500,000 shall be made payable to the parties specified by the U.S. Attorney’s Office for the Eastern District of Michigan (USAO) and only at such time as the USAO authorizes. Until payment is authorized by the USAO, the funds to be made payable to the False Claims Act Cases shall remain in the custody of the U.S. Marshals Service. Claimants hereby withdraw and otherwise abandon any interest they may have in the funds to be made payable to the False Claims Act Cases.

K. All remaining Defendants *in rem* identified below, plus any interest that

may have accrued on the dismissed Defendants *in rem* since the time of seizure, shall **NOT** be forfeited, but shall be **DISMISSED** from these proceedings and unrestrained, returned, or otherwise released under the conditions specified here:

a. Any restraint on the following Defendant *in rem* accounts shall be lifted within fourteen (14) days of entry of this order:

- i. Funds in Fidelity Investment Account No. 637-409820 Held in the Name of Rajendra Bothra (Approximately \$12,195,220.59), valued at \$21,731,556.98 as of 2/1/23;
- ii. Funds in Fidelity Investment Account No. 627-006648 in the name of Rajendra Bothra (approximately \$4,633,351.67), valued at \$7,657,466.75 as of 2/1/23;
- iii. Funds in Fidelity Investment Account No. 675-597678 in the name of Sonia Bothra (approximately \$97,417.25), valued at \$181,581.44 as of 2/1/23;
- iv. Funds in Fidelity Investment Account No. 645-125105 in the name of Rajendra Bothra (approximately \$20.40), valued at \$21.23 as of 2/1/23;
- v. Funds in Fidelity Investment Account No. 637-299600 in the name of The Pain Center USA, PLLC (approximately \$553,663.69), valued at \$948,227.64 as of 2/1/23;

b. With respect to Funds in Fidelity Investment Account No. 637-299600 in the name of The Pain Center USA, PLLC, a profit-sharing account

established for The Pain Center USA, PLLC employees (hereafter “Profit-Sharing Funds”), and for which Rajendra Bothra is the trustee, Rajendra Bothra shall, within sixty (60) days of this order, distribute the Profit-Sharing Funds to individuals (former employees) covered by the profit-sharing agreement. The Profit-Sharing Funds shall be distributed according to the terms of the profit-sharing agreement and consistent with any relevant state and federal law.

c. The following Defendant *in rem* funds, plus any interest accrued on said funds since the time of seizure, shall be returned to Claimant Rajendra Bothra:

- vi. \$129,123.96 U.S. Currency in Comerica Bank Account No. 0013166764 in the names of Rajendra and Pramila Bothra;
- vii. \$102,686.96 U.S. Currency in Comerica Bank Account No. 6822878135 in the names of Rajendra and Pramila Bothra;
- viii. \$1,095,860.05 U.S. Currency in Comerica Bank Account No. 1851508240 in the name of The Pain Center USA, PLLC;
- ix. \$18,051.62 U.S. Currency remaining from Comerica Bank Account No. 1853038691 in the name of Interventional Pain Center, PLLC;
- x. All funds due and owing to Dr. Bothra, The Pain Center USA, PLLC, and/or Interventional Pain Center, and received by the law firm of Rodnick Unger, P.C. obtained in settlement of past, pending, or future civil lawsuits (Approximately \$1,411,641.56 as of 6/15/23);

- xi. Funds from Cashier's Check issued by Comerica Bank, dated April 12, 2019, paid to the order of The Pain Center USA, PLLC in the amount of \$68,381.64.

d. Any recorded forfeiture interest of the United States related to the underlying allegations of these proceedings in the following real property, shall be withdrawn within thirty (30) days of entry of this order:

- xii. 100 W. 5th Street #810, Royal Oak, MI 48067;
- xiii. 111 N. Main Street, #205, Royal Oak, MI 48067;
- xiv. 111 N. Main Street, #302, Royal Oak, MI 48067;
- xv. 315 W. 6th Street, Royal Oak, MI 48067;
- xvi. 321 W. 6th Street, Royal Oak, MI 48067;
- xvii. 350 N. Main Street, #708, Royal Oak, MI 48067;
- xviii. 615-617 S. Washington, Royal Oak, MI 48067;
- xix. 619 S. Washington, Royal Oak, MI 48067;
- xx. 621 S. Washington, Royal Oak, MI 48067;
- xxi. 623 S. Washington, Royal Oak, MI 48067;
- xxii. 27715 Grant Street, St. Clair Shores, MI 48081;
- xxiii. 22480 Kelly Road, Eastpointe, MI 48021;
- xxiv. 27379 Van Dyke, Warren, MI 48093;
- xxv. 28000 Van Dyke, Warren, MI 48093;
- xxvi. 27423 Van Dyke, Warren, MI 48093;
- xxvii. 27253 Van Dyke, Warren, MI 48093;

- xxviii. 27333 Van Dyke, Warren, MI 48093;
- xxix. 700-704 S. Washington, Royal Oak, MI 48067;
- xxx. 27402 Seyburn, Warren, MI 48092;
- xxxi. 27414 Seyburn, Warren, MI 48092;
- xxxii. 27426 Seyburn, Warren, MI 48092;
- xxxiii. 27438 Seyburn, Warren, MI 48092;
- xxxiv. 27330 Seyburn Ave., Warren, MI 48092;
- xxxv. 27342 Seyburn Ave, Warren, MI 48092;

L. The Dismissed Defendants *in rem* specified in paragraph 20(K)(c)(vi – xi), shall be returned less any debt owed to the United States, any agency of the United States, or any other debt that the United States is authorized to collect from Claimant Rajendra Bothra including but not limited to any debts collected through the Treasury Offset Program.

M. Following entry of this Stipulated Consent Judgment, and receipt by the U.S. Attorney's Office of Claimant Rajendra Bothra's social security number and/or tax identification number and Automated Clearing House information from the attorney for the Claimant Rajendra Bothra, the United States Marshals Service or its delegate shall disburse the funds specified in paragraph 20(K)(c)(vi – xi) through the Electronic Payment System by means of electronic deposit to attorney LeRoy H. Wulfmeier's designated IOLTA account.

N. Upon entry of this judgment, Claimants forever waive any appellate rights they may have pertaining to this civil forfeiture action.

O. Claimants hereby knowingly and voluntarily waive any and all rights to reimbursement by the United States of reasonable attorney fees and litigation costs in connection with this civil forfeiture action under 28 U.S.C. § 2465(b)(1)(A), or any other statute that might conceivably apply. The United States hereby waives any and all rights to reimbursement by the claimants of any attorney fees or litigation costs that may conceivably apply in connection with this civil forfeiture action.

P. Claimants agree to release, remise, and discharge plaintiff, the United States of America, and any of its agencies involved in this civil forfeiture matter, including the Department of Homeland Security, Federal Bureau of Investigation, the United States Attorney's Office, and their agents, officers and employees, past and present, from all claims or causes of action which Claimants, their agents, officers, employees, assignees and/or successors in interest have, may have had or may have on account of the events or circumstances giving rise to the above-captioned action.

Q. The parties to this Stipulated Consent Judgment have discussed this settlement with counsel, and fully understand its terms and conditions and the consequences of entering into it. The parties agree that each shall bear their own costs and fees in this matter.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: July 6, 2023

Dawn N. Ison
United States Attorney

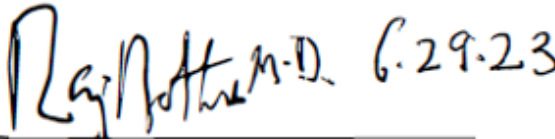
s/Gjon Juncaj
Gjon Juncaj (P63256)
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226-3211
(313) 226-0209
gjon.juncaj@usdoj.gov

Dated: June 29, 2023

s/LeRoy H. Wulfmeier, III
LeRoy H. Wulfmeier (P22583)
Attorney for Bothra Claimants
101 W. Big Beaver Rd. Ste. 1000
Troy, MI 48084-5280
(248) 457-7077
lwulfmeier@gmhlaw.com
Dated: June 29, 2023

s/Ben M. Gonek
Ben M. Gonek (P43716)
Attorney for Bothra Claimants
14290 Northline Road
Southgate, MI 48195
(313) 963-3377
Ben@gonekbelcherlaw.com

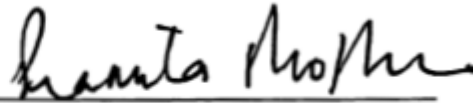
Dated: June 29, 2023

 6.29.23

Rajendra Bothra, Claimant
Individually and on behalf of The
Pain Center USA, PLLC,
Interventional Pain Center,
PLLC, and Kaiser Real Estate,
LLC, as owner of each entity.

Dated: June 29th, 2023

Agreed as to form and substance:

A handwritten signature in black ink, appearing to read "Pramilla Bothra", written over a horizontal line.

Pramilla Bothra, Claimant

Dated: June 29, 2023

A handwritten signature in black ink, appearing to read "Sonia Bothra", written over a horizontal line.

Sonia Bothra, Claimant

Dated: June 29, 2023